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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,657	10/23/2003	Steven R. Ligon	SAIC0080-US	5863

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EXAMINER

MANSFIELD, THOMAS L

ART UNIT	PAPER NUMBER
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3624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,657	Applicant(s) LIGON ET AL.	
	Examiner THOMAS MANSFIELD	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. This Continued Examination Office Action is in reply to the Request for Continued Examination filed on 27 January 2009.
2. Claims 1, 9, and 15 have been amended.
3. Claims 19 and 20 are new and have been added.
4. Claims 1-20 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 January 2009 has been entered.

Response to Amendment

Response to Arguments

6. Applicant's arguments filed 30 May 2008 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Independent Claims 1, 9, and 15 recite the limitation, "approximate maturity of the company". The limitation, "*approximate*" is indefinite because it does not specifically define a standard, measurement, or metric that indicates what/when the company is or has matured. Clarification is required. Dependent claims 2-8, 10-14, and 16-20 are rejected for the same reason and rationale since they depend from Claims 1, 9, and 15, respectively.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
12. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (Adams) (U.S. Pub. No. 2003/0070157) in view or Bowman-Amuah (U.S. 6,256,773).

With regard to Claims 1, 15, 17, 18, and 20, Adams teaches a *computer-implemented method/system for approximating the maturity of a company in view of at least one maturity model (COCOMO, CMM) (see at least paragraphs 0031, 0057-0061) comprising:*

- *providing individual requirements (information required, attributes) of the at least one maturity model on a display (display monitor) (see at least paragraphs 0032-0045);*

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- *receiving generalized work products* (collection of information, descriptions of COTS products and database management systems) *and storing* (storing) *the generalized work products in a first table* (Product/System Complexity) (see at least paragraphs 0020-0023, 0032-0045 and Fig.'s 3-4R and Claim 2);
- *relating the individual requirements of the at least one maturity model stored in a second table* (tables of explanations of relationships between maintenance system attributes and ratings, system size is calculated) *to the generalized work products stored in the first table* (i.e. operations maturity model) (see at least paragraphs 0020-0023 and 0045-0048);
- *receiving company-specific work products* (productivity ratios, maintenance productivity level) *and storing the company-specific work products in a third table* (see at least paragraphs 0029, 0058-0062 and Fig. 10);
- *associating* (Rating Value) *at least some of the company-specific work products stored in the third table with at least some of the generalized work products stored in the first table* (see at least paragraphs 0071-0075 and Fig. 7C);
- *tracing* (fast path pool) *the company-specific work products stored in the third table to the individual requirements of the at least one maturity model stored in the second table through the association of the at least some company-specific work products stored in the third table with at least some of the generalized work products stored in the first table* (see at least paragraphs 0077-0083);
- *generating an association that lists the company-specific work products adjacent to the generalized work products of the at least one maturity model and that shows associations between the generalized work products of the least one maturity model and the company-specific work products on a display* (see at least paragraphs 0077-0083 and Fig. 10);

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- *receiving input through the association comprising one of: creating an association between company-specific work products adjacent and generalized work products of the at least one maturity model (effort multiplier); and removing (added or subtracted) an association between listed company-specific work products and generalized work products of the at least one maturity model (risk allowance approach) (see at least paragraphs 0053-0070).*
- *providing an indicator of the approximate maturity of the company in view of the at least one maturity model (CMM, maturity level of an organization (columns 2, 3, & 4)) (see at least paragraph 0061 and FIG. 3).*

Adams does not specifically teach, *through a user interface, with a computer processor, a use interface, a keyboard, network connection, a port*. Bowman-Amuah teaches *through a user interface, with a computer processor, a use interface, a keyboard, network connection, a port* in analogous art of configuration management with the use of a capability maturity model for the purposes of, “The Capability Maturity Model (CMM) for Software describes the software engineering and management practices that characterize organizations as they mature their processes for developing and maintaining software (see at least column 3, lines 23-50, column 6, lines 43-66 and column 24, lines 15-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the configuration management with the use of a capability maturity model as taught by Bowman-Amuah with the estimating the effort required to maintain software systems method of Adams. One of ordinary skill in the art would have been motivated to do so for the benefit of gaining control over the processes and developing and maintaining products with a data-processing network (Bowman-Amuah, column 3, lines 23-50 and column 24, lines 15-33).

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With regard to Claims 2, 14, and 16, Adams teaches *wherein the maturity of the company is approximated in view of at least two maturity models (COCOMO II, CMM), where in the individual requirements of the at least two maturity models are related to the generalized work products (productivity level, cost drivers) (see at least paragraphs 0058-0063).*

With regard to Claim 3, Adams teaches *wherein the at least one maturity model includes multiple levels of maturity (evolutionary plateau, Level 1, Level 2) (see at least paragraph 0061 and FIG. 3).*

With regard to Claim 4, Adams teaches *wherein the indicator of the approximate maturity is indicative of the highest of the multiple levels of maturity attained by the company (evolutionary plateau, Level 1, Level 2) (see at least paragraph 0061 and FIG. 3).*

With regard to Claims 5 and 8, Adams teaches *wherein the indicator of approximate maturity is a percentage (FPs/FTE, percentage) (see at least paragraph 0059 and Fig.'s 3 and 10).*

With regard to Claim 6, Adams teaches *wherein the indicator of approximate maturity is provided in a report and the report includes a list of the individual requirements (maintainability) of the at least one maturity model that were not traceable (no counterpart or equivalent) to at least one of the company-specific work products (see at least paragraph 0068 and Fig.'s 6A-4R).*

With regard to Claim 7, Adams teaches *wherein report further includes a list of company-specific work products that were not associated with the generalized work products (Not from System Survey) (see at least Fig. 6E).*

With regard to Claim 9, Adams teaches a *computer-implemented method for using a maturity tracing system in order to determine the approximate maturity level of an organization in view of at least one maturity model comprising* (see at least paragraph 0031-0032):

- *receiving data indicative of organization-specific work products (collection of information, descriptions of COTS products and database management systems) into the maturity tracing system and storing the organization-specific work products in a first table (Product/System Complexity) (see at least paragraphs 0020-0023, 0032-0045 and Fig.'s 3-4R);*
- *associating (Rating Value) at least some of the organization-specific work products in the first table with at least some of the pre-existing generalized work products received with the maturity tracing system through a second user interface and stored in a second table (see at least paragraphs 0071-0075 and Fig. 7C);*
- *receiving a request for tracing of the organization-specific work products stored in the first table to maturity requirements for the at least one maturity model stored in a third table, wherein the maturity tracing system includes at least one computer application for relating the pre-existing generalized work products stored in the second table to the maturity requirements for the at least one maturity model stored in the third table (see at least paragraphs 0065-0072);*
- *listing the organization-specific work products adjacent to the pre-existing generalized work products of the at least one maturity model that shows associations between the pre-existing generalized work products of the at least one maturity model and the organization-specific work products on a display (see at least paragraphs 0065-0072);*
- *receiving input comprising one of: creating an association between organization-specific work products and pre-existing generalized work products of the at least one maturity model (attribute rating); and removing (added or subtracted) an association between listed organization-specific work products and pre-existing generalized work*

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products of the at least one maturity model (risk allowance approach) (see at least paragraphs 0053-0070).

- *receiving a request for a report indicating the approximate maturity level of the organization in view of at least one maturity model (CMM, maturity level of an organization (columns 2, 3, & 4)) (see at least paragraph 0061 and FIG. 3);*
- *displaying the report on a display (see at least Fig. 10).*

Adams does not specifically teach, *through a user interface, with a computer processor, a use interface*. Bowman-Amuah teaches *through a user interface, with a computer processor, a use interface* in analogous art of configuration management with the use of a capability maturity model for the purposes of, "The Capability Maturity Model (CMM) for Software describes the software engineering and management practices that characterize organizations as they mature their processes for developing and maintaining software (see at least column 3, lines 23-50, column 6, lines 43-66 and column 24, lines 15-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the configuration management with the use of a capability maturity model as taught by Bowman-Amuah with the estimating the effort required to maintain software systems method of Adams. One of ordinary skill in the art would have been motivated to do so for the benefit of gaining control over the processes and developing and maintaining products with a data-processing network (Bowman-Amuah, column 3, lines 23-50 and column 24, lines 15-33).

With regard to Claim 10, Adams teaches *including querying text (i.e. selectively access) indicative of at least one of the pre-existing generalized work products and the maturity requirements for the at least one maturity model in order to ascertain description information therefore* (see at least paragraphs 0067-0068).

With regard to Claim 11, Adams teaches *wherein the description information is provided in a pop up window* (see at least paragraph 0034 and Fig. 3).

With regard to Claim 12, Adams teaches *wherein the description information is provided through a hyperlink (www.spr.com/...)* (see at least paragraph 0049).

With regard to Claims 13 and 19, Adams teaches *company/organization specific products which do not match one of pre-existing generalized work products and maturity requirements for the at least one maturity model* (see at least Fig.'s 7A-C, 8, and 10).

With regard to Claim 20, Adams teaches *a listing of a plurality of maturity models, the computer application further receiving input comprising a selection of one of the plurality of maturity models* (COCOMO, CMM) (see at least paragraphs 0052-0062).

Conclusion

13. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Atefi et al. (U.S. 7,406,430) discloses a method and system for assessing information technology service delivery.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3624

7 May 2009

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624